

BAKER BOTTS L.L.P.

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19 *Attorneys for Defendants*
20 *Irico GROUP CORP. and*
21 *Irico DISPLAY DEVICES CO., LTD.*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

29 IN RE: CATHODE RAY TUBE (CRT)) Case No. 3:07-cv-05944-JST
30 ANTITRUST LITIGATION,) MDL No.: 1917
31
32 THIS DOCUMENT RELATES TO:) **DECLARATION OF THOMAS**
33 ALL DIRECT PURCHASER ACTIONS) **CARTER IN SUPPORT OF IRICO**
34) **DEFENDANTS' OPPOSITION TO**
35) **DIRECT PURCHASER PLAINTIFFS'**
36) **MOTION FOR CLASS**
37) **CERTIFICATION WITH RESPECT**
38) **TO THE IRICO DEFENDANTS**
39)
40) Date: March 31, 2022
41) Time: 2:00 pm
42) Judge: Hon. Jon S. Tigar
43) Courtroom: 6, 2nd Floor
44)
45 _____

1 I, Thomas Carter, declare as follows:

2 1. I am an attorney admitted to practice law in Washington, D.C. and am employed
3 by the law firm of Baker Botts L.L.P., which represents Defendants Irico Group Corporation
4 (“Irico Group”) and Irico Display Devices Co., Ltd. (“Irico Display”) (collectively, “Irico
5 Defendants”). I make this Declaration based on my personal knowledge and in support of the
6 Irico Defendants’ Opposition to Direct Purchaser Plaintiffs’ Motion for Class Certification with
7 Respect to the Irico Defendants.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of a transcript
9 of the deposition of DPP’s expert Philip M. Johnson on January 11, 2022.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of a transcript
11 of the videotaped 30(b)(6) deposition of L. Thomas Heiser on July 3, 2012 (“Heiser (Hitachi)
12 Dep.”).

13 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of a transcript
14 of the deposition of Roger De Moor on July 31, 2012. (“De Moor (Philips) Dep.”).

15 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of a transcript
16 of the continued videotaped deposition of Michael Son on February 6, 2013. (“Michael Son (SDI)
17 Dep.”).

18 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the transcript
19 of the continued videotaped deposition of Jae In Lee on July 25, 2013. (“Jae In Lee (SDI) Dep.”).

20 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the transcript
21 of the deposition of Chih Chun-Liu on February 21, 2013. (“Chih Chun Liu (Chunghwa) Dep.”).

22 8. Attached hereto as Exhibit 7 is a true and correct copy of the expert report of
23 Robert D. Willig filed on September 10, 2013.

24 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the transcript
25 of Hirokazu Nishiyama on July 17, 2012. (“Nishiyama (Panasonic) Dep.”).

26 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the transcript
27 of the deposition of Tatsuo Tobinaga on July 16, 2012. (“Tobinaga (Panasonic) Dep.”).

1 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the
2 transcript of Yoshiaki Uchiyama on August 1, 2012. (“Uchiyama (Toshiba) Dep.”).

3 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of the
4 transcript of Steve Pansonian on July 17, 2012. (“Pansonian (SEC/SEA) Dep.”).

5 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the
6 transcript of Richard Eugene Huber on August 1, 2012. (“Huber (Toshiba) Dep.”).

7 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the
8 transcript of the deposition of Yun Seok Lee on July 11, 2012. (“Yun Seok Lee (LG Electronics)
9 Dep.”).

10 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of the
11 transcript of the deposition of Kim London on July 16, 2012. (“London (SEC/SEA) Dep.”).

12 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the
13 transcript of the deposition of Kenneth Buckowski on July 16, 2013. (“Buckowski (Studio
14 Spectrum) Dep.”).

15 17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of the
16 transcript of the deposition of Phillip Lau on June 27, 2013. (“Lau (Royal Data) Dep.”).

17 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the
18 transcript of Steven R. Nusbaum on June 20, 2013. (“Nusbaum (Arch Electronics) Dep.”).

19 19. Attached hereto as Exhibit 18 is a true and correct copy of a certified translation
20 of Visitation Report produced by Chunghwa, Bates labeled CHU00029259E.

21 20. Attached hereto as Exhibit 19 is a true and correct copy of a certified translation
22 of Visitation Report produced by Chunghwa, Bates labeled CHU00029179E.

23 21. Attached hereto as Exhibit 20 is a true and correct copy of a certified translation
24 of a document produced by Chunghwa, Bates labeled CHU00031018E.

25 22. Attached hereto as Exhibit 21 is a true and correct copy of a certified translation
26 of a document produced by Chunghwa, Bates labeled CHU00031032E.

27 23. Attached hereto as Exhibit 22 is a true and correct copy of a certified translation
28 of a document produced by Chunghwa, Bates labeled CHU00030067E.

1 24. Attached hereto as Exhibit 23 is a true and correct copy of a certified translation
2 of a document produced by Chunghwa, Bates labeled CHU00030748E.

3 25. Attached hereto as Exhibit 24 is a true and correct copy of a certified translation
4 of a document produced by Chunghwa, Bates labeled CHU00031101E.

5 26. Attached hereto as Exhibit 25 is a chart showing sales volume and share
6 information for the Top 5 customers that purchased color display tubes and color picture tubes,
7 summarized from backup data provided for the Expert Report of Phillip M. Johnson offered in
8 support of DPPs' Motion for Class Certification with Respect to the Irico Defendants.

9 27. Attached hereto as Exhibit 26 is a true and correct copy of a certified translation
10 of a document produced by Chunghwa, Bates labeled CHU00030068E.

11 28. Attached hereto as Exhibit 27 is a true and correct copy of the expert report of
12 Jeffrey J. Leitzinger submitted in this matter on November 6, 2014, highlighted to show language
13 duplicated in the expert report of Philip M. Johnson (Exhibit 1).

14 29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts of the
15 transcript of the continued videotaped deposition of Jay Alan Heinecke. ("Heinecke (Toshiba)
16 Dep.").

17 30. Attached hereto as Exhibit 29 is a true and correct copy of excerpts of the
18 deposition transcript of Sang-Kyu Park on March 22, 2013. ("S.K. Park (SDI) Dep.").

19 31. Attached hereto as Exhibit 30 is a true and correct copy of a certified translation
20 of excerpts from a document titled "Signature Events of Irico," produced by Irico Group and
21 Bates stamped IRI-CRT-00000650.

22 32. Attached hereto as Exhibit 31 is a true and correct copy of Irico Defendants'
23 Supplemental Objections and Responses to Indirect Purchaser Plaintiffs' First Set of
24 Interrogatories served during jurisdictional discovery, dated August 7, 2018.

25 33. Attached hereto as Exhibit 32 is a true and correct copy of Direct Purchaser
26 Plaintiffs' Supplemental Objections and Responses to Defendants Irico Group Corp. and Irico
27 Display Devices Co., LTD.'s First Set of Interrogatories to Direct Purchaser Plaintiffs, dated July
28 14, 2021.

1 34. Attached hereto as Exhibit 33 is a true and correct copy of Irico Defendants' Sixth
2 Supplemental Objections and Responses to Direct Purchaser Plaintiffs' First Set of
3 Interrogatories, dated January 7, 2022.

4 35. Attached hereto as Exhibit 34 is a true and correct copy of a certified translation
5 of the People's Republic of China State Planning Committee and State Economic and Trade
6 Commission Regarding Issuing Regulations on Preventing Unfair Price Actions through
7 Dumping of Industrial Products and Strengthening Price Self-Discipline of Industries, dated
8 November 16, 1998.

9 36. Attached hereto as Exhibit 35 is a true and correct copy of a certified translation
10 of the People's Republic of China Ministry of Information Industry Notification of Reporting
11 Cost Information for Color TV and Color CRT Industry , dated February 3, 1999.

12 37. Attached hereto as Exhibit 36 is a true and correct copy of a certified translation
13 of the People's Republic of China Ministry of Information Industry Notification of Publishing
14 Industrial Average Production Costs for Some Types of Color TVs, dated August 25, 2000.

15 38. Attached hereto as Exhibit 37 is a true and correct copy of a certified translation
16 of the People's Republic of China Ministry of Information Industry Notice on Distributing Trial
17 Measures to Curb Unfair Price Competition Regarding Color CRTs and Color TVs and Notice
18 on Publishing Industrial Average Production Costs of Some Types of Color CRTs and Color
19 TVs, dated March 15 and April 2, 1999, produced by Irico Group and Bates labeled IRI-CRT-
20 00031457.

21 39. Attached hereto as Exhibit 38 is a true and correct copy of a certified translation
22 of the People's Republic of China Ministry of Information Industry Notification of Publishing
23 Industrial Average Production Costs for Some Types of Color CRTs, dated September 13, 2000.

24 40. Based on a review of the CRT manufacturer sales data provided as backup to the
25 Expert Report of Phillip Johnson, the data show fewer than one hundred unique customers of
26 CRTs, as opposed to customers that purchased finished products.

27 41. Based on a comparison of the CRT types and sizes identified by Dr. Johnson in
28 Figures 2 and 3 of his Expert Report to CRT types and sizes allegedly subject to price targets

1 listed in Figure 9, and review of the CRT manufacturer sales data provided as backup to the
2 Expert Report of Phillip Johnson, the data show sales of approximately 85 million units across
3 the class period for sizes and types of CRTs not subject to price targets identified by Dr. Johnson.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this
5 21st day of January, 2022, in Washington, D.C.
6

7 */s/ Thomas Carter*
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12 *Attorneys for Defendants*
IRICO GROUP CORP. and
IRICO DISPLAY DEVICES CO., LTD.

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